

06.00.00 WATERFRONT/COMMERCIAL DISTRICT

06.01.01 The purpose of this District is to manage the character, function and integrity of Vineyard Haven's waterfront by: maintaining and enhancing the existing marine character and water dependent uses of the area; encouraging year-round businesses; improving water quality, promoting public access to the water front, and implementing the goals and objectives of the Waterfront Land Use Study, dated June 1994.

06.02.01 Boundaries. In order to fulfill the purpose of this bylaw, there shall be two (2) management areas.

The Waterside Management Area shall be bounded by the R-25 District, the mean high water along the Vineyard Haven harbor, the Lagoon Harbor Park District, a line equidistant between mean high water and the centerline of Beach Road, and a line equidistant between mean high water and the centerline of Water Street thence to the R-25 District.

However, the boundary line shall not be less than one hundred (100) feet from mean high water, nor shall it be beyond the centerline of Beach Road.

The Waterside Management Area shall also be bounded by the Lagoon Harbor Park District, a line one hundred (100) feet inland from the mean high water of Lagoon Pond, the centerline of Lagoon Pond Road and the mean high water of Lagoon Pond thence to the Lagoon Harbor Park District.

The Commercial Management Area shall be bounded by the Waterside Management Area, the B-I and the R-10 Districts.

06.02.02 The Zoning Map of the Town shall reflect the change in title to the District and the two management areas.

06.03.00 Applicability. No land shall be used and no structure shall be occupied or erected except in compliance with the provisions of this by-law. All uses not specifically permitted shall be considered to be prohibited.

06.04.00 Uses permitted in the Waterside Management Area.

- .01 Agricultural, religious, educational, municipal or governmental, child care, and any other use specifically required to be permitted by Chapter 40A of the General Laws.

(Amend Section 06.04.01: October 22, 1996 - Acting on Article 2)

- .02 Parks, esplanades, walkways, and other pedestrian facilities that promote use and enjoyment of the water by the general public.

06.00.00 WATERFRONT/COMMERCIAL DISTRICT, cont.

06.04.00 Uses permitted in the Waterside Management Area, cont.

- .03 Aquaculture facilities.
- .04 Wildlife refuges, bird sanctuaries, nesting areas, or other wildlife habitats.
- .05 Commercial fishing and fish processing facilities.
- .06 Boatyards and other facilities related to the construction, servicing, maintenance, repair or storage of vessels.
- .07 Facilities for tug boats, barges, dredges, or other vessels engaged in port operations or marine construction.
- .08 Marine terminals, fuel docks, and related facilities for the transfer of goods between ship and shore.
- .09 Mixed use (Refer to Section 02.00 of the Tisbury Zoning Bylaw).

06.05.00 Uses permitted in the Commercial Management Area.

- .01 All uses permitted in the Waterside Management Area.
- .02 Consumer, professional or commercial service establishments, provided that all hazardous or toxic materials are adequately contained, stored and secured.
- .03 Professional, business or social service offices.
- .04 Retail trade.
- .05 One detached single family dwelling.

06.06.00 Uses Requiring a Special Permit from the Planning Board:

- .01 Warehouses in the Waterside Management Area (Refer to Section 02.00 of the Tisbury Zoning Bylaw).
- .02 Outdoor storage of bulk materials in the Waterside Management Area

06.00.00 WATERFRONT/COMMERCIAL DISTRICT, cont.

06.06.00 Uses Requiring a Special Permit from the Planning Board, cont.

- .03 Any change or substantial extension of a non-conforming use, or reconstruction, extension or structural change of a non-conforming structure.
- .04 Marinas.
- .05 Facilities for water-based recreational activities.
- .06 Land based waterborne passenger transportation facilities.
- .07 Research or training facilities dedicated primarily to marine purposes.
- .08 Food Service Establishments such as restaurants, outdoor cafes, bakeries or delis in the Commercial Management District.
- .09 Accessory uses to water dependent uses (Refer to Section 02.00 of the Tisbury Zoning By-law).
- .10 Any operation which renders land area impervious to water including, but not limited to, the building of any structure or the paving of any walking, driving or parking surface.
- .11 Where otherwise, under Section 06.00, both a Permit and a Special Permit application would be required, a single application shall be made to the Planning Board for a Special Permit.

(Section 06.06 Amended: April 29, 2014 as Article 15)

06.07.00 Special Requirements. Plan Review by the Site Plan Review Board shall be required prior to the issuance of: a Special Permit, a permit to construct a structure, a permit to alter the exterior appearance of a structure, a permit to raze a structure or a permit to use land. All such applications shall be referred to the Site Plan Review Board by the Building Inspector and the Zoning Enforcement Officer.

.01 The Site Plan Review Board shall act as an advisory body to the Planning Board and to the Building Inspector and the Zoning Enforcement Officer. The Board shall perform its duties, as listed in Section 10.06.01 to ascertain an application's compliance with the Site Plan Standards For Review.

06.00.00 WATERFRONT/COMMERCIAL DISTRICT, cont.

06.07.00 Special Requirements, continued

The Site Plan Standards for Review for the Waterfront Commercial District as adopted on June 26, 1999, will be amended from time to time by the Tisbury Planning Board, and will be on file with the Tisbury Town Clerk.

Said members shall be appointed for a term of two years.

The Site Plan Review Board shall act as an advisory body to the Planning Board and to the Building and Zoning Inspector.

(Section 06.07 Amended: April 29, 2014 as Article 15)

06.08.00 Dimensional & Other Lot Requirements

Minimum Frontage20 ft. minimum
Floor Area Ratio 0.5 maximum (to be
calculated using the first and second floors only)

Front Setback20 ft. minimum

06.00.00 WATERFRONT/COMMERCIAL DISTRICT, cont.

06.08.00 Dimensional & Other Lot Requirements, continued

Cumulative Side Setback20 ft. min., 4 ft.
min. ea. side

Rear Setback:

Not abutting tidewater30 feet minimum
Abutting tidewater.....50 feet minimum,

Fences, gates, stonewalls or other similar barriers, not customarily defined as structures, shall not be constructed or placed within 30 horizontal feet of mean high water of any salt water body.

Height of Buildings28 feet maximum
(Refer to Section 02.20 of the Tisbury Zoning Bylaw)

.01 Open Space.

Not less than 40% of the lot area shall consist of open space, free from impervious surfaces.

.02 Vehicular Access.

No more than 10% of the lot area shall consist of off-street loading, delivery and parking. The site shall be designed so that no vehicle back onto or a public way, or be parked on a public way while loading, unloading or waiting to do so.

06.00.00 WATERFRONT/COMMERCIAL DISTRICT, cont.

06.09.00 Special Permit Findings:

Before granting an application for a special permit, the Planning Board, with due regard to the nature and condition of all adjacent structures and uses in the district shall find all of the following general conditions to be in compliance with this by-law:

- .01 The proposed use is consistent with the purpose and intent of this by-law and with the Site Plan Standards for Review.
- .02 The proposed use is listed in Section 06.06.00.
- .03 The proposed use is appropriate for the specific site.
- .04 The proposed use will not overburden any road, public water, drainage or sewer system to such an extent that the proposed use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- .05 The proposed use shall not adversely impact the district's visual character, including views and vistas, and will improve opportunities for visual and pedestrian access to the waterfront.

06.10.00 Special Permit Conditions:

The Planning Board may impose, in addition to any applicable conditions specified in this by-law, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose and intent of the By-law and including:

- .01 Screening of parking areas or other parts of the premises from adjoining premises, or from the street or from the water by specific walls, fences, plantings, or other devices.
- .02 Modification of the exterior features or appearances of the structure(s).
- .03 Limitation of size, number of occupants, method and time of operation, and extent of facilities.
- .04 Regulation of number, design, and location of access drives, walks, or links and other traffic and pedestrian features.

06.00.00 WATERFRONT/COMMERCIAL DISTRICT, cont.

06.10.00 Special Permit Conditions:

- .05 Requirement of off-street parking and other special features beyond the minimum required by this by-law.
- .06 Requirement for performance bonds or other security.
- .07 Requirement of underground installation of utilities.
- .08 Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment.

(Amended on April 23, 24 & 25, 1996 - Acting on Article 28; Amended on April 10, 2001 - Acting on Article 13; April 9, 2002 - Acting on Article 14, and on April 29, 2014 - Acting on Article 15)